

Serial No. 09/690,393

- 2 -

Art Unit: 2157

Steubing, McGuinness & Manaras L.L.P
125 Nagog Park
Acton MA 01720

Your attention to this matter is greatly appreciated.

Rejections under 35 U.S.C. §103

Claims 1-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tappan et al, U.S. Patent 6,603,756 , in view of Chen, U.S. Patent 6,567,380.

Tappan:

Tappan describes, in the abstract, a "router has a first interface to receive a packet from an external autonomous system and a second interface to transmit the packet as an outgoing packet to a border router. A processing engine places a first tag on the outgoing packet in accordance with a standard tag switching protocol. A shared field in the outgoing packet has at least one bit to indicate a use of the shared field, the at least one bit set by the processing engine to indicate the shared field carries a second tag, the second tag indicating a route from the border router to a destination of the packet..."

The Examiner states, at page 2 of the office action:

"... As per claim 1, Tappan discloses Receiving, from outside the domain ... an information message at one of the network devices ...the information message having routing information (see fig. 6, and col. 5, line 65 to col. 6 line 54); applying the given policy (i.e., the policy of domain 44) of the network device that received the information message to the routing information in the information message to produce policy filtered routing information (see col. 5,

Serial No. 09/690,393

- 3 -

Art Unit: 2157

line 65 to col. 6, line 54); and flooding the policy filtered routing information to each of the plurality of network devices (see col. 8, line 51 to col. 9 line 25)..."

Upon careful review of the portions of the Tappan reference cited by the Examiner, Applicants traverse the Examiner's rejection for the following reasons.

The Examiner alleges that support for the step, in claim 1, or 'receiving, from outside the domain ... an information message having routing information' is supported by element I-ABSR receiving routing information from source S.

However, column 6 of Tappan describes only a packet being forwarded from source S to the I-ABSR. With regard to routing information, Tappan states, at lines 37-40 "... For the sake of example, we will assume that I-ASBR has received this information in a BGP message sent to it by another autonomous-system border router, E-ASBR. As stated above, BGP is an exterior routing protocol: autonomous-system border routers use it to communicate forwarding information to other autonomous system border routers..."

Accordingly, it does not appear that any routing information is forwarded from "outside the domain" in the portion of text cited by the Examiner, as both E-ABSR and I-ABSR are shown as residing in domain 44.

With regard to the step of "...applying the given policy of the network device that received the information message to the routing information in the information message to produce policy filtered routing information...", the Examiner states that support for the application of policy to the routing information is found in column 6. While there is the word 'policy' included in this column, the text states "routers within the domain 44 will typically use, say, the Border Gateway Protocol (BGP) to send router S some type of routing information. But

Serial No. 09/690,393

- 4 -

Art Unit: 2157

the information it thereby receives about the domain's internal topology depends on the domain's policy and is normally extremely limited..." Thus, the *policy* referred to in Tappan is the policy that is used to determine what information to pass *out* of the domain, not a policy on filtering routing information after it is received *in* the domain.

In fact, there is no mention or suggestion of *routing information* being forwarded *into* the domain of Tappan. Although there is an extensive discussion of labels generated by the E-ABSR (which is in the domain) being forwarded within the domain, to allow forwarding tables from the I-ABSR and downstream devices to appropriately reach the E-ABSR.

Chen

Chen describes, in the abstract, a technique that allows selective generation of routing update messages by a router for its neighboring peer routers of a computer network. As stated in column 3, lines 16-19 "... when an entry version number of a route is incremented, the reason ... for the change in the best path of the route is identified and recorded. That is, each time there is a new version of a route, attributes of the best path for the new version and the previous version of the route re compared and the changes are recorded. According to the selective routing update technique, recordation of the reason is effected using change flags. These flags, along with the characteristics of each neighbor are processed by the router when determining whether the route is eligible for further consideration of routing updates to the neighbor..."

The Examiner states, at page 3 of the office action "... Chen discloses in an analogous art discloses a method for propagating routing information to its neighboring router including modifying (i.e., updating) a received routing information using predetermined policy (see col. 7, lines 9-24). Therefore, it would have been obvious to one having ordinary skill in the art at the

Serial No. 09/690,393

- 5 -

Art Unit: 2157

time of the invention to incorporate the teaching of Chen such as modifying the routing information to determine the current optimal routing information in order to make correct routing decisions..."

Applicant's disagree that the combination of Chen and Tappan reach the limitations of the claimed invention. Neither of the references disclose forwarding routing information into a domain, and filtering the routing information according to a policy of the domain. An application of Chen to Tappan would serve, as best Applicant can determine, to modify an intra-domain route only. Accordingly, for at least the reason that the combination of reference fails to disclose or suggest the limitation of the claims, the it is respectfully requested that the rejection be withdrawn.

Applicant's further note that in order to support a prima facie obviousness rejection, a proper motivation for the modification suggested by the Examiner should be shown or suggested by the reference. The proffered motivation of "to make correct routing decisions..." is not supported by a reading of Tappan, which uses label switching to implement intra-domain routing, and there is no suggestion that the routes provided in Tappan are incorrect. Accordingly, for the additional reason that the Examiner has failed to properly submit a proper motivation which supports the modification of the references, it is respectfully requested that the rejection be withdrawn.

Independent claims 8, 15 and 22 are directed to an apparatus, computer process and network device which include elements which distinguish over the combination of the Tappan and Chen references for reasons similar to those described with regard to claim 1. Accordingly, it is respectfully requested that the rejection of claims 8, 15 and 22 be withdrawn.

Serial No. 09/690,393

- 6 -

Art Unit: 2157

Dependent claims 2-7, 9-14, 16-21, 23 and 26 serve to add further patentable limitations to their independent parent claims, but are allowable for at least the reasons put forth with regard to the parent claims.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Lindsay G. McGuinness, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

9/29/2004
Date

Lindsay McGuinness
Lindsay G. McGuinness, Reg. No. 38,549
Attorney/Agent for Applicant(s)
Steubing McGuinness & Manaras LLP
125 Nagog Park Drive
Acton, MA 01720
(978) 264-6664

Docket No. 120-243
Dd: 9/3/2004